



General Assembly

January Session, 2007

***Raised Bill No. 1457***

LCO No. 6283

\*06283\_\_\_\_\_JUD\*

Referred to Committee on Judiciary

Introduced by:  
(JUD)

***AN ACT CONCERNING CONSENSUAL SEXUAL ACTIVITY BETWEEN ADOLESCENTS CLOSE IN AGE TO EACH OTHER.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 53a-71 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2007*):

3 (a) A person is guilty of sexual assault in the second degree when  
4 such person engages in sexual intercourse with another person and: (1)  
5 Such other person is (A) thirteen years of age or older but under  
6 [sixteen] fourteen years of age and the birth year of the actor is more  
7 than two years [older] earlier than the birth year of such other person,  
8 or (B) fourteen years of age or older but under sixteen years of age and  
9 the birth year of the actor is more than three years earlier than the birth  
10 year of such other person; or (2) such other person is mentally  
11 defective to the extent that such other person is unable to consent to  
12 such sexual intercourse; or (3) such other person is physically helpless;  
13 or (4) such other person is less than eighteen years old and the actor is  
14 such person's guardian or otherwise responsible for the general  
15 supervision of such person's welfare; or (5) such other person is in  
16 custody of law or detained in a hospital or other institution and the

17 actor has supervisory or disciplinary authority over such other person;  
18 or (6) the actor is a psychotherapist and such other person is (A) a  
19 patient of the actor and the sexual intercourse occurs during the  
20 psychotherapy session, (B) a patient or former patient of the actor and  
21 such patient or former patient is emotionally dependent upon the  
22 actor, or (C) a patient or former patient of the actor and the sexual  
23 intercourse occurs by means of therapeutic deception; or (7) the actor  
24 accomplishes the sexual intercourse by means of false representation  
25 that the sexual intercourse is for a bona fide medical purpose by a  
26 health care professional; or (8) the actor is a school employee and such  
27 other person is a student enrolled in a school in which the actor works  
28 or a school under the jurisdiction of the local or regional board of  
29 education which employs the actor; or (9) the actor is a coach in an  
30 athletic activity or a person who provides intensive, ongoing  
31 instruction and such other person is a recipient of coaching or  
32 instruction from the actor and (A) is a secondary school student and  
33 receives such coaching or instruction in a secondary school setting, or  
34 (B) is under eighteen years of age; or (10) the actor is twenty years of  
35 age or older and stands in a position of power, authority or  
36 supervision over such other person by virtue of the actor's  
37 professional, legal, occupational or volunteer status and such other  
38 person's participation in a program or activity, and such other person  
39 is under eighteen years of age.

40 (b) Sexual assault in the second degree is a class C felony or, if the  
41 victim of the offense is under sixteen years of age, a class B felony, and  
42 any person found guilty under this section shall be sentenced to a term  
43 of imprisonment of which nine months of the sentence imposed may  
44 not be suspended or reduced by the court.

45 Sec. 2. Section 53a-73a of the general statutes is repealed and the  
46 following is substituted in lieu thereof (*Effective October 1, 2007*):

47 (a) A person is guilty of sexual assault in the fourth degree when: (1)  
48 Such person intentionally subjects another person to sexual contact

49 who is (A) under [~~fifteen~~] thirteen years of age, or (B) thirteen years of  
50 age or older but under fourteen years of age and the birth year of the  
51 actor is more than two years earlier than the birth year of such other  
52 person, or (C) fourteen years of age or older but under fifteen years of  
53 age and the birth year of the actor is more than three years earlier than  
54 the birth year of such other person, or [(B)] (D) mentally defective or  
55 mentally incapacitated to the extent that such other person is unable to  
56 consent to such sexual contact, or [(C)] (E) physically helpless, or [(D)]  
57 (F) less than eighteen years old and the actor is such other person's  
58 guardian or otherwise responsible for the general supervision of such  
59 other person's welfare, or [(E)] (G) in custody of law or detained in a  
60 hospital or other institution and the actor has supervisory or  
61 disciplinary authority over such other person; or (2) such person  
62 subjects another person to sexual contact without such other person's  
63 consent; or (3) such person engages in sexual contact with an animal or  
64 dead body; or (4) such person is a psychotherapist and subjects  
65 another person to sexual contact who is (A) a patient of the actor and  
66 the sexual contact occurs during the psychotherapy session, or (B) a  
67 patient or former patient of the actor and such patient or former  
68 patient is emotionally dependent upon the actor, or (C) a patient or  
69 former patient of the actor and the sexual contact occurs by means of  
70 therapeutic deception; or (5) such person subjects another person to  
71 sexual contact and accomplishes the sexual contact by means of false  
72 representation that the sexual contact is for a bona fide medical  
73 purpose by a health care professional; or (6) such person is a school  
74 employee and subjects another person to sexual contact who is a  
75 student enrolled in a school in which the actor works or a school under  
76 the jurisdiction of the local or regional board of education which  
77 employs the actor; or (7) such person is a coach in an athletic activity or  
78 a person who provides intensive, ongoing instruction and subjects  
79 another person to sexual contact who is a recipient of coaching or  
80 instruction from the actor and (A) is a secondary school student and  
81 receives such coaching or instruction in a secondary school setting, or  
82 (B) is under eighteen years of age; or (8) such person subjects another

83 person to sexual contact and (A) the actor is twenty years of age or  
84 older and stands in a position of power, authority or supervision over  
85 such other person by virtue of the actor's professional, legal,  
86 occupational or volunteer status and such other person's participation  
87 in a program or activity, and (B) such other person is under eighteen  
88 years of age.

89 (b) Sexual assault in the fourth degree is a class A misdemeanor or,  
90 if the victim of the offense is under sixteen years of age, a class D  
91 felony.

92 Sec. 3. Section 53-21 of the general statutes is repealed and the  
93 following is substituted in lieu thereof (*Effective October 1, 2007*):

94 (a) Any person who (1) wilfully or unlawfully causes or permits any  
95 child under [the age of] sixteen years of age to be placed in such a  
96 situation that the life or limb of such child is endangered, the health of  
97 such child is likely to be injured or the morals of such child are likely  
98 to be impaired, or does any act likely to impair the health or morals of  
99 any such child, or (2) (A) has contact with the intimate parts, as  
100 defined in section 53a-65, of a child under [the age of sixteen years]  
101 thirteen years of age or subjects a child under [sixteen] thirteen years  
102 of age to contact with the intimate parts of such person, in a sexual and  
103 indecent manner likely to impair the health or morals of such child, or  
104 (B) has contact with the intimate parts, as defined in section 53a-65, of  
105 a child thirteen years of age or older but under fourteen years of age or  
106 subjects a child thirteen years of age or older but under fourteen years  
107 of age to contact with the intimate parts of such person, in a sexual and  
108 indecent manner likely to impair the health or morals of such child,  
109 and the birth year of such person is more than two years earlier than  
110 the birth year of such child, or (C) has contact with the intimate parts,  
111 as defined in section 53a-65, of a child fourteen years of age or older  
112 but under sixteen years of age or subjects a child fourteen years of age  
113 or older but under sixteen years of age to contact with the intimate  
114 parts of such person, in a sexual and indecent manner likely to impair

115 the health or morals of such child, and the birth year of such person is  
 116 more than three years earlier than the birth year of such child, or (3)  
 117 permanently transfers the legal or physical custody of a child under  
 118 the age of sixteen years to another person for money or other valuable  
 119 consideration or acquires or receives the legal or physical custody of a  
 120 child under the age of sixteen years from another person upon  
 121 payment of money or other valuable consideration to such other  
 122 person or a third person, except in connection with an adoption  
 123 proceeding that complies with the provisions of chapter 803, shall be  
 124 guilty of a class C felony for a violation of subdivision (1) or (3) of this  
 125 subsection and a class B felony for a violation of subdivision (2) of this  
 126 subsection.

127 (b) The act of a parent or agent leaving an infant thirty days or  
 128 younger with a designated employee pursuant to section 17a-58 shall  
 129 not constitute a violation of this section.

130 Sec. 4. Subsection (c) of section 54-56e of the general statutes is  
 131 repealed and the following is substituted in lieu thereof (*Effective*  
 132 *October 1, 2007*):

133 (c) This section shall not be applicable: (1) To any person charged  
 134 with a class A felony, a class B felony, except a violation of section 53a-  
 135 122 that does not involve the use, attempted use or threatened use of  
 136 physical force against another person, or a violation of section 14-227a,  
 137 subdivision (2) of subsection (a) of section 53-21, as amended by this  
 138 act, section 53a-56b, 53a-60d, 53a-70, 53a-70a, 53a-70b, 53a-71, as  
 139 amended by this act, 53a-72a, 53a-72b, 53a-90a, 53a-196e or 53a-196f,  
 140 (2) to any person charged with a crime or motor vehicle violation who,  
 141 as a result of the commission of such crime or motor vehicle violation,  
 142 causes the death of another person, (3) to any person accused of a  
 143 family violence crime as defined in section 46b-38a who (A) is eligible  
 144 for the pretrial family violence education program established under  
 145 section 46b-38c, or (B) has previously had the pretrial family violence  
 146 education program invoked in such person's behalf, (4) to any person

147 charged with a violation of section 21a-267 or 21a-279 who (A) is  
148 eligible for the pretrial drug education program established under  
149 section 54-56i, or (B) has previously had the pretrial drug education  
150 program invoked in such person's behalf, (5) unless good cause is  
151 shown, to any person charged with a class C felony, or (6) to any  
152 person charged with a violation of section 9-359 or 9-359a.  
153 Notwithstanding the provisions of subdivision (1) of this subsection,  
154 this section shall be applicable to any person charged with a violation  
155 of subparagraph (B) or (C) of subdivision (2) of subsection (a) of  
156 section 53-21, as amended by this act, or subparagraph (A) or (B) of  
157 subdivision (1) of subsection (a) of section 53a-71, as amended by this  
158 act, if such person was under nineteen years of age at the time of the  
159 offense.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2007	53a-71
Sec. 2	October 1, 2007	53a-73a
Sec. 3	October 1, 2007	53-21
Sec. 4	October 1, 2007	54-56e(c)

Section 1	October 1, 2007	53a-71
Sec. 2	October 1, 2007	53a-73a
Sec. 3	October 1, 2007	53-21
Sec. 4	October 1, 2007	54-56e(c)

***Statement of Purpose:***

To provide that consensual sexual activity between young persons close in age to one another is not a criminal offense.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*